

West Virginia Executive Branch

Privacy Policy: *Consent*

Pre-Recorded Telephone Calls

Question:

I work for a State Agency that provides valuable services to children and families. Can we use pre-recorded messages to remind them of upcoming appointments?

Answer:

Federal laws generally prohibit use of pre-recorded messages for telemarketing purposes unless the caller has the affirmative (opt-in) consent from the recipient. For example, if you want to use pre-recorded messages to alert customers to upcoming sales or promotions, you must have the customer's consent to do this.

Pre-recorded messages are permitted if the call is not made for marketing purposes. For example, you can use a pre-recorded message to remind a customer of a previously-scheduled appointment or to inform a customer that an order is ready. Because these calls are not marketing, they are outside the scope of the law.

The **West Virginia Privacy Policy: Consent** requires you to comply with Federal requirements for pre-recorded messages. This means that Departments should not use pre-recorded messages for marketing purposes. Departments can use pre-recorded telephone calls for non-marketing reasons, such as:

- To confirm a consumer's appointment or to remind the consumer of an appointment that she has scheduled;
- To alert a consumer to a change in service or to provide other information, such as to remind a consumer of documents that need to be presented;
- To notify a consumer about the status of her file, including alerting her to missing information that needs to be submitted; or
- To inform a consumer that products or documents are ready for pick-up.

If you have any questions about the use of pre-recorded telephone messages, please contact your Privacy Officer.